

**U.S. District Court  
District of South Dakota (Central Division)  
CIVIL DOCKET FOR CASE #: 3:18-cv-03014-RAL**

Picardi v. U.S. Attorney's Offices, Pierre et al  
Assigned to: U.S. District Judge Roberto A. Lange  
Cause: 28:1331 Fed. Question

Date Filed: 08/13/2018  
Jury Demand: None  
Nature of Suit: 895 Other Statutes:  
Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Edward J.S. Picardi, M.D.**

represented by **Edward J.S. Picardi, M.D.**  
20867 Picardi Ranch Place  
Sturgis, SD 57785  
(605) 347-2942  
Email: [picardi.edward@gmail.com](mailto:picardi.edward@gmail.com)  
PRO SE

V.

**Defendant**

**U.S. Attorney's Offices, Pierre**  
*SD Dept. of Justice*

represented by **SaraBeth Donovan**  
U.S. Attorney's Office (Rapid City, SD)  
515 Ninth Street, Room 201  
Rapid City, SD 57701  
(605) 342-7822  
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Email: [sarabeth.donovan2@usdoj.gov](mailto:sarabeth.donovan2@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Attorney's Offices, Rapid City**  
*SD Dept. of Justice*

represented by **SaraBeth Donovan**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Attorney's Offices, Sioux Falls**  
*SD Dept. of Justice*

represented by **SaraBeth Donovan**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/13/2018	<u>1</u>	<b>COMPLAINT</b> filed by Edward J.S. Picardi. (Attachments: # <u>1</u> Affidavit of Edward J.S. Picardi, MD) (SAC) (Entered: 08/13/2018)
08/13/2018	<u>2</u>	CIVIL COVER SHEET. (SAC) (Entered: 08/13/2018)
08/13/2018	<u>3</u>	Filing Fee Received from Edward J.S. Picardi. Fee Amount: \$400.00, Receipt No.: #SDX300003008. (SAC) (Entered: 08/13/2018)
08/13/2018	<u>4</u>	MOTION to Electronically File Documents. Pro se party Edward J.S. Picardi will now receive electronic notice of unsealed documents filed in this case, but must wait for a Court ruling regarding e-filing. Refer to the CM/ECF User Manual located on the court website at <a href="http://www.sdd.uscourts.gov">www.sdd.uscourts.gov</a> for information about accessing documents. (SAC) (Entered: 08/13/2018)

08/20/2018	<u>6</u>	RETURN OF SERVICE Executed upon Defendants U.S. Attorney's Offices, Pierre, U.S. Attorney's Offices, Rapid City, U.S. Attorney's Offices, Sioux Falls. (Attachments: # <u>1</u> cover letter dated 8-14-18, # <u>2</u> Envelope postmarked 8-16-18)(JLS) (Entered: 08/21/2018)
08/21/2018	<u>5</u>	ORDER granting <u>4</u> Motion to Electronically File Documents in CM/ECF. The Clerks Office shall arrange to train the pro se filer on how to e-file documents and issue the pro se filer a CM/ECF login and password after the training is completed. The ability of the pro se filer to e-file documents may be revoked anytime the Court deems it justified. Signed by U.S. District Judge Roberto A. Lange on 8/21/18. (SKK) (Entered: 08/21/2018)
12/27/2018	<u>7</u>	FILED IN ERROR: First MOTION for SUMMARY JUDGMENT by Edward J.S. Picardi, MD. (Attachments: # <u>1</u> Exhibits) (Picardi, Edward) Modified text on 12/28/2018 (SST). (Entered: 12/27/2018)
12/28/2018		NOTICE of Filing Error: <u>7</u> Motion for Summary Judgment was filed in error and should be disregarded. (Picardi, Edward) (Entered: 12/28/2018)
12/28/2018	<u>8</u>	<b>MOTION for SUMMARY JUDGMENT by Edward J.S. Picardi, MD. (Attachments: # <u>1</u> Redacted Exhibits) (Picardi, Edward) Modified text on 12/28/2018 (SST). (Entered: 12/28/2018)</b>
12/31/2018	<u>9</u>	ORDER giving Notice of Fed. R. Civ. P. 4(m). Service of summons and complaint must be made by 1/18/19 or this case will be dismissed. Signed by U.S. District Judge Roberto A. Lange on 12/31/18. (JLS) (Entered: 12/31/2018)
01/02/2019	<u>10</u>	CERTIFICATE OF SERVICE by Edward J.S. Picardi, MD . (Picardi, Edward) (Entered: 01/02/2019)
01/02/2019	<u>11</u>	Summons Issued as to USA. 2 original summons delivered via hand-delivery to plaintiff. A0 85 and Rule 73 memo previously delivered to plaintiff via hand-delivery. (SST) (Entered: 01/02/2019)
02/07/2019	<u>12</u>	NOTICE of Appearance by SaraBeth Donovan on behalf of All Defendants. (Donovan, SaraBeth) (Entered: 02/07/2019)
02/07/2019	<u>13</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by U.S. Attorney's Offices, Pierre, U.S. Attorney's Offices, Rapid City, U.S. Attorney's Offices, Sioux Falls. (Donovan, SaraBeth) (Entered: 02/07/2019)
02/12/2019	<u>14</u>	ORDER granting <u>13</u> Motion for Extension of Time to Answer as to all Defendants. Signed by U.S. District Judge Roberto A. Lange on 02/12/2019. (LH) (Entered: 02/12/2019)
03/06/2019	<u>15</u>	Second MOTION for Extension of Time to File Answer re <u>1</u> Complaint by U.S. Attorney's Offices, Pierre, U.S. Attorney's Offices, Rapid City, U.S. Attorney's Offices, Sioux Falls. (Donovan, SaraBeth) (Entered: 03/06/2019)
03/15/2019	<u>16</u>	ORDER granting <u>15</u> Motion for Extension of Time to Answer as to all Defendants. Answer due March 15, 2019. Signed by U.S. District Judge Roberto A. Lange on 03/15/2019. (LH) (Entered: 03/15/2019)
03/15/2019	<u>17</u>	<b>ANSWER to <u>1</u> Complaint by U.S. Attorney's Offices, Pierre, U.S. Attorney's Offices, Rapid City, U.S. Attorney's Offices, Sioux Falls. (Donovan, SaraBeth) (Entered: 03/15/2019)</b>
03/17/2019	<u>18</u>	RESPONSE to <u>17</u> Answer to Complaint filed by Edward J.S. Picardi, MD. (Picardi, Edward) (Entered: 03/17/2019)
04/18/2019	<u>19</u>	ORDER FOR RESPONSE TO MOTION FOR SUMMARY JUDGMENT. Signed by U.S. District Judge Roberto A. Lange on 04/18/2019. (LH) (Entered: 04/18/2019)
04/23/2019	<u>20</u>	MOTION to Extend Deadline by Edward J.S. Picardi, MD. E-filed for Dr. Picardi per chambers. (SST) (Entered: 04/24/2019)
04/30/2019	<u>21</u>	ORDER granting <u>20</u> Motion to Extend Deadlines. Signed by U.S. District Judge Roberto A. Lange on 04/30/2019. (LH) (Entered: 04/30/2019)

05/31/2019	<u>22</u>	RETURN OF SERVICE. (Attachments: # <u>1</u> Attachment Subpoena for Documents)(Picardi, Edward) Modified on 6/4/2019 (SLT). (Entered: 05/31/2019)
06/03/2019	<u>23</u>	STATEMENT OF Undisputed MATERIAL FACTS re <u>8</u> Motion for Summary Judgment filed by Edward J.S. Picardi, MD. (Attachments: # <u>1</u> Exhibit ) (Picardi, Edward) Modified on 6/4/2019 (SLT). (Entered: 06/03/2019)
06/24/2019	<u>24</u>	MOTION to Extend Deadlines by U.S. Attorney's Offices, Pierre, U.S. Attorney's Offices, Rapid City, U.S. Attorney's Offices, Sioux Falls. (Donovan, SaraBeth) (Entered: 06/24/2019)
06/28/2019	<u>25</u>	<b>MOTION for SUMMARY JUDGMENT by U.S. Attorney's Offices, Pierre. (Donovan, SaraBeth) (Entered: 06/28/2019)</b>
06/28/2019	<u>26</u>	MEMORANDUM in Support re <u>25</u> MOTION for SUMMARY JUDGMENT filed by U.S. Attorney's Offices, Pierre. (Donovan, SaraBeth) (Entered: 06/28/2019)
06/28/2019	<u>27</u>	STATEMENT OF UNDISPUTED MATERIAL FACTS re <u>25</u> Motion for Summary Judgment filed by U.S. Attorney's Offices, Pierre. (Donovan, SaraBeth) (Entered: 06/28/2019)
06/28/2019	<u>28</u>	DECLARATION of SaraBeth Donovan re <u>25</u> Motion for Summary Judgment. (Attachments: # <u>1</u> Exhibit 1–10–cr–50092 Docket, # <u>2</u> Exhibit 2 – 10–cr–50092 Doc. 198, # <u>3</u> Exhibit 3 – 10–cr–50092 Doc. 45, # <u>4</u> Exhibit 4 – Standing Order 19–03, # <u>5</u> Exhibit 5 – 10–cr–50092 Doc. 265, # <u>6</u> Exhibit 6 – 8C 13–2041 Docket, # <u>7</u> Exhibit 7 – 13–cv–05035 Docket, # <u>8</u> Exhibit 8 – 15–cv–05050 Docket, # <u>9</u> Exhibit 9 – 8C 18–3234 Docket, # <u>10</u> Exhibit 10 – IPro screen shot) (Donovan, SaraBeth) (Entered: 06/28/2019)
06/28/2019	<u>29</u>	DECLARATION of Justin Wilkinson re <u>25</u> Motion for Summary Judgment. (Attachments: # <u>1</u> Exhibit A – P's Req 02.19.14, # <u>2</u> Exhibit B – EOUSA Ltr 04.02.14, # <u>3</u> Exhibit C – P Req 04.20.14, # <u>4</u> Exhibit D – EOUSA Ltr 05.16.14, # <u>5</u> Exhibit E – OIP Ltr 07.25.14, # <u>6</u> Exhibit F – OIP Ltr 08.14.14, # <u>7</u> Exhibit G – P Req 05.09.14, # <u>8</u> Exhibit H – EOUSA Ltr 05.12.14, # <u>9</u> Exhibit I – P Req 06.10.14, # <u>10</u> Exhibit J – EOUSA Ltr 06.25.14, # <u>11</u> Exhibit K – OIP Ltr 08.27.14, # <u>12</u> Exhibit L – OIP Ltr 09.19.14, # <u>13</u> Exhibit M – EOUSA Ltr 10.27.14, # <u>14</u> Exhibit N – P Req 11.12.14, # <u>15</u> Exhibit O – OGIS Ltr 05.28.15, # <u>16</u> Exhibit P – EOUSA Ltr 09.25.15, # <u>17</u> Exhibit Q – OIP Ltr 10.21.15, # <u>18</u> Exhibit R – EOUSA Ltr 04.20.17, # <u>19</u> Exhibit S – Env 05.12.17, # <u>20</u> Exhibit T – OIP Ltr 03.09.18, # <u>21</u> Exhibit U – OIP Ltr 09.13.19, # <u>22</u> Exhibit V – P Req 07.30.14, # <u>23</u> Exhibit W – EOUSA Ltr 08.15.14, # <u>24</u> Exhibit X – EOUSA Ltr 03.15.16, # <u>25</u> Exhibit Y – EOUSA Ltr 09.06.18, # <u>26</u> Exhibit Z – P Ltr 09.22.18, # <u>27</u> Exhibit AA – EOUSA Ltr 06.26.19) (Donovan, SaraBeth) (Entered: 06/28/2019)
06/28/2019	<u>30</u>	DEFENDANTS RESPONSE TO PLAINTIFF'S STATEMENT OF Disputed MATERIAL FACTS re <u>8</u> Motion for Summary Judgment filed by All Defendants. (Donovan, SaraBeth) Modified on 7/1/2019 (SLT). (Entered: 06/28/2019)
06/29/2019	31	ORDER granting <u>24</u> Motion to Extend Defendant's Filing Deadline. Signed by U.S. District Judge Roberto A. Lange on 6/29/19. (Lange, Roberto) (Entered: 06/29/2019)
07/10/2019	<u>32</u>	RESPONSE to <u>25</u> Motion filed by Edward J.S. Picardi, MD. (Attachments: # <u>1</u> Exhibit ALL DOCUMENT submission Payment to EUOSA) (Picardi, Edward) Modified link on 7/25/2019 (DJP). (Entered: 07/10/2019)
07/24/2019	<u>33</u>	REPLY to Motion Response re: <u>25</u> Motion for Summary Judgment filed by All Defendants. (Donovan, SaraBeth) Modified links on 7/25/2019 (DJP). (Entered: 07/24/2019)
07/24/2019	<u>34</u>	Supplemental DECLARATION of Justin Wilkinson re <u>25</u> Motion for Summary Judgment. (Donovan, SaraBeth) Modified on 7/25/2019 (DJP). (Entered: 07/24/2019)
07/30/2019	<u>35</u>	STATUS REPORT by U.S. Attorney's Offices, Pierre, U.S. Attorney's Offices, Rapid City, U.S. Attorney's Offices, Sioux Falls (Donovan, SaraBeth) (Entered: 07/30/2019)
08/13/2019	<u>36</u>	Memorandum in Opposition re: <u>25</u> MOTION for SUMMARY JUDGMENT filed by Edward J.S. Picardi, MD. (Attachments: # <u>1</u> Exhibit Certified mailing receipt, # <u>2</u> Exhibit Trial transcript re Zimmiond, # <u>3</u> Exhibit Hearing transcript re Zimmiond, # <u>4</u> Exhibit Trial Transcript re Kohn) (Picardi, Edward) Modified on 8/14/2019 (DJP).

		(Entered: 08/13/2019)
09/30/2019	<u>37</u>	ORDER denying <u>8</u> & <u>25</u> Motions for Summary Judgment. Signed by U.S. District Judge Roberto A. Lange on 09/30/2019. (KLE) (Entered: 09/30/2019)